

## **CONSERVATION COMMISSION MEETING MINUTES**

**DECEMBER 27, 2005**

**PRESENT:** Shawn Costello, James Gage, David Hurley (arr. 7:13 pm), Jesse Amsel and Glenn Eberly

**ABSENT:** Walter Moody

### **STAFF**

**PRESENT:** Rob Phillips, Town Planner and Reanna Goodreau, Recording Secretary

### **I. CALL TO ORDER:**

Chairman Costello called the Ellington Conservation Commission meeting to order at 7:07 PM.

### **III. UNFINISHED BUSINESS:**

1. Review of Open Space for the Cicciarella Subdivision (4-lots) on Webster Road, APN 126-002-0000

Frank Cicciarella, landowner, stated that he considered the commission's comments from last month's meeting. He decided that he would like to pay the fee in-lieu of open space rather than deed land along Charter's Brook because the amount of land required to be deeded to the Town would not encompass the entire brook. Mr. Cicciarella noted that he is not adverse to a conservation easement along the brook.

**MOVED (AMSEL), SECONDED (EBERLY) AND PASSED UNANIMOUSLY (HURLEY NOT PRESENT AT THIS TIME) TO RECOMMEND THAT THE PLANNING & ZONING COMMISSION ACCEPT FEE IN-LIEU OF OPEN SPACE FOR THE CICCARELLA SUBDIVISION.**

2. Review of Open Space for the Hall Subdivision (3-lots) at 110 Pinnacle Road, APN 075-018-0000

Wes Wentworth, engineer for the project, presented revised plans showing open space to be deeded to the Town based on the discussion with the commission from last month's meeting. He noted that the open space would be deeded to the Town in order to be combined with the existing open space of Kimball Forest.

**MOVED (AMSEL), SECONDED (GAGE) AND PASSED (RECUSED: HURLEY) TO RECOMMEND THAT THE PLANNING & ZONING COMMISSION ACCEPT FEE SIMPLE DEDICATION OF OPEN SPACE FOR THE HALL SUBDIVISION AS DEPICTED IN THE PLAN DATED 8/13/05 AND REVISED THROUGH 12/27/05.**

**THE COMMISSION WENT OUT OF AGENDA ORDER.**

**IV. NEW BUSINESS:**

1. Review of Open Space for the Pine View Estates Subdivision (2-lots) on Webster Road, APN 096-007-0000

Mark Peterson, engineer for the project, reviewed the plans for the 2 lot subdivision. He explained the 12.2 acre parcel with 740' frontage is located on the southerly section of Webster Road near Route 140. Mr. Peterson noted that approximately 6 acres from the rear of the property will be combined with an adjacent parcel that this landowner also owns. There are wetlands at the rear of the proposed lots. Mr. Peterson stated that they are proposing fee in-lieu of open space due to the lot configurations and because there is no existing adjacent open space parcels.

Commissioner Gage asked if a conservation easement is proposed along the wetlands. Mr. Peterson stated that he has not proposed an easement. However, he would not be opposed to it.

**MOVED (AMSEL), SECONDED (EBERLY) AND PASSED UNANIMOUSLY TO RECOMMEND THAT THE PLANNING & ZONING COMMISSION ACCEPT FEE IN-LIEU OF OPEN SPACE FOR THE PINE VIEW ESTATES SUBDIVISION.**

**THE COMMISSION RETURNED TO ORIGINAL AGENDA ORDER.**

**III. UNFINISHED BUSINESS:**

3. Discussion of Hunting on Town-Owned Properties

Chairman Costello explained that hunting season is basically over and suggested that this item be addressed in the summer when the commission should have additional time to spend on this item.

**CHAIRMAN COSTELLO REQUESTED THAT THIS ITEM BE TAKEN OFF THE AGENDA UNTIL THE JUNE 27, 2006 MEETING.**

4. Discussion of the Purchase of Development Rights for the Schneider Property off Porter Road, APN 123-007-0000

Commissioner Gage explained that there is an appraisal is being completed to determine the value of the development rights. He will check on the status and report back at the January 31, 2006 meeting.

**CHAIRMAN COSTELLO REQUESTED THAT THIS ITEM BE MOVED TO ADMINISTRATIVE BUSINESS FOR THE JANUARY 31, 2006 MEETING.**

5. Open Space Plan—Status

The commission discussed the need to update the parcel layer in order to be able reflect Town ownership of new parcels. Commissioner Gage handed Rob Phillips a map of what needs to be updated on the open space inventory. Mr. Phillips agreed that he would see what he could do with the mapping issues and report to the commission at their January 31, 2006 meeting.

**BY CONSENSUS, THE COMMISSION CONTINUED THIS ITEM TO THE JANUARY 31, 2006 MEETING.**

6. Evaluation of Town-Owned Properties

Reanna Goodreau explained that she has been working on a color-coded map to show the disposition of various types of open space in the Town's possession, as the commission requested. She stated that she hopes to have it completed for the January 31, 2006 meeting.

Peter Charter, BOS Liaison to the commission, asked if the commission will be recommending parcels to sell once the open space plan is completed. Commissioner Hurley explained that the open space plan is not the same and that the purpose of this map is to aid the commission in reviewing parcels for their value. This will aid in the determination of which parcels to recommend for sale.

**BY CONSENSUS, THE COMMISSION CONTINUED THIS ITEM TO THE JANUARY 31, 2006 MEETING.**

7. Development of Parcel Selection for Upcoming DEP Grant

Chairman Costello stated that the commission has some properties in mind, as discussed under executive session at last month's meeting. Commissioner Hurley stated the subject parcels are being appraised.

**BY CONSENSUS, THE COMMISSION CONTINUED THIS ITEM TO THE JANUARY 31, 2006 MEETING.**

8. Disposition of Funds when the Town Sells Land

Chairman Costello stated that the commission has been reviewing parcels for their value and for the possibility of selling some of the parcels as well. However, the commission is concerned that money from the sale of the parcels is deposited into the General Fund. Peter Charter, BOS Liaison to the commission, stated that he researched this and found out that all land sales are deposited into a Municipal Land Trust Fund. The money can only be used for municipal projects, such as construction of municipal buildings, purchase of land and road projects. The commission's concern was that if a piece land that was given as open space or purchased with open space funds was sold, the money should be earmarked to go to the purchase of additional

open space lands. Mr. Charter stated that the ordinance could be changed to include wording that would allow the Board of Selectmen to approve allocating funding for a particular purpose.

**BY CONSENSUS, THE COMMISSION CONTINUED THIS ITEM TO THE JANUARY 31, 2006 MEETING.**

9. Development of Deed Restrictions and Policies for Town-Owned Open Space and Properties

Chairman Costello noted that the commission has concerns that open space parcels taken for particular reasons may not be used in accordance with those guidelines in the future if there isn't evidence explaining the exact uses and/or limitations. Commissioner Hurley expressed the need to enforce the fact that some parcels sole purpose is for open space. It needs to be determined what type of instrument will be used to express how the land can be used. Also, there needs to be person who needs to enforces this. Commissioner Hurley also suggested looking into defining what "continuing to farm" is, if the Town purchases development rights.

**BY CONSENSUS, THE COMMISSION CONTINUED THIS ITEM TO THE JANUARY 31, 2006 MEETING.**

**V. ADMINISTRATIVE BUSINESS:**

**MOVED (HURLEY), SECONDED (AMSEL) AND PASSED UNANIMOUSLY TO ADD TO THE AGENDA: DISCUSSION OF THE YANAROS SUBDIVISION OPEN SPACE.**

Commissioner Hurley stated that he met with the Town Planner and the First Selectman regarding another topic, but that they also discussed the issue of the Yanaros Subdivision Open Space. He noted that he explained the reasoning behind the Conservation Commission recommending the taking the open space rather than requesting the fee in-lieu of open space.

Peter Charter, BOS Liaison to the commission, explained that the Board of Selectmen made their decision on the information provided to them and that they did not know there was open space near this property. He also stated that the BOS felt that since all the land was near the brook, the area would be protected by the Inland Wetlands Agency, so the land wasn't a high priority.

Commissioner Hurley explained the reasoning for the commission wanting the open space to Mr. Charter. He stated that it would be a good wildlife corridor, that there is the potential for a trail, and that there is a large piece of land adjacent to this parcel and another town-owned open space parcel, which may have the potential for a connection. He stated that the commission is looking at many things when reviewing open space proposal. These items include: protection of wildlife and natural resources, passive and active recreation for townspeople and connectivity between existing open space parcels.

Based on the discussions, the commission stated that they would include historical data to help the BOS understand the reasoning for selecting particular open space parcels. The commission requested that if the BOS has a question regarding the acceptance of open space that was

recommended by the Conservation Commission, that they table the item to allow someone to be present to further explain the reasoning.

**THE COMMISSION REQUESTED THAT STAFF SUPPLEMENT THE MEMO SENT TO THE BOARD OF SELECTMEN WITH THE ADDITIONAL INFORMATION DISCUSSED, WHICH INCLUDED: THE IMPORTANCE OF WATER QUALITY OF ABORN'S BROOK THAT IS A TRIBUTARY TO CRYSTAL LAKE, THE RATIO OF WETLANDS AND UPLANDS WAS NEARLY REPRESENTATIVE OF THE ENTIRE PARCEL, PUBLIC ACCESS FOR TROUT FISHING, AND THE SEPTIC FIELDS WERE MOVED FURTHER FROM THE BROOK BY REQUESTING THE OPEN SPACE.**

**CHAIRMAN COSTELLO REQUESTED THAT A REVIEW OF THE COMMISSION'S RECOMMENDATIONS AND DECISIONS AND THEIR OUTCOMES FROM 2005 BE ADDED TO THE AGENDA FOR THE JANUARY 31, 2006 MEETING.**

1. Approval of the November 29, 2005 Meeting Minutes

**MOVED (HURLEY), SECONDED (AMSEL) AND PASSED UNANIMOUSLY TO APPROVE THE NOVEMBER 29, 2005 MEETING MINUTES.**

2. Correspondence:
  - a. Memo to BOS from Conservation Commission, dated 11/30/05

**SO NOTED.**

- b. National Recreational Trails Program

The commission reviewed the handout and agreed that they would like to apply for the grant.

**BY CONSENSUS, THE COMMISSION AGREED TO PREPARE A GRANT APPLICATION.**

- c. Approved 2006 Meeting Schedule

**SO NOTED.**

#### **VI. ADJOURNMENT:**

**MOVED (HURLEY), SECONDED (EBERLY) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 8:37 PM.**

Respectfully submitted,

Reanna Goodreau  
Recording Secretary